

Case: 08-1403 Document: 36 Page: 1 Date Filed: 06/12/2009 Entry ID: 5350968

MANDATE

**United States Court of Appeals
For the First Circuit**

DC/RI
DiMarzio
Judge Smith
DGT# : 06-00492

No. 08-1403

NORTH AMERICAN CATHOLIC EDUCATIONAL
PROGRAMMING FOUNDATION, INC.,

Plaintiff, Appellant,

v.

GERRY CARDINALE, ROB GHEEWALLA, JACK DALY;
GOLDMAN SACHS GROUP, INC.; GS CAPITAL PARTNERS III, L.P.;
GS CAPITAL PARTNERS III OFFSHORE, L.P.;
GOLDMAN SACHS & CO. VERWALTUNGS GmbH,

Defendants, Appellees.

JUDGMENT

Entered: May 19, 2009

This cause came on to be heard on appeal from the United States District Court for the District of Rhode Island and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is affirmed in part and vacated in part, and the case is remanded to the district court for further proceedings not inconsistent with the opinion issued this day. Each side shall bear its own costs on this appeal.

By the Court:

/s/ Richard Cushing Donovan, Clerk

cc: Hon. William E. Smith, Mr. David DiMarzio, Clerk, United States District Court for the District of Rhode Island, Mr. Lamoureaux, Ms. Curley, Mr. Olivero, Mr. Dennison, Mr. Flaum, Ms. Turick, & Mr. Lari.

CERTIFIED COPY
I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By

[Signature]
Date: 6/12/09